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Adoption, Foster Care & Juvenile Justice

1. Banks, R. Richard. "The Color of Desire: Fulfilling Adoptive Parents' Racial Preferences Through Discriminatory State Action." 107 *Yale Law Journal* 875 (January 1998).
2. Caputo, Catherine A. and Diane L. Webb. "How Much Process is Due Indigent Parents in Appeals of Dependency Proceedings That Adversely Affect Parental Rights?" (*In re Sade C.*, 920 P.2d 716, Cal. 1996.) 32 *University of San Francisco Law Review* 197 (Fall 1997).
3. Craig, Toni L. "Establishing the Biological Rights Doctrine to Protect Unwed Fathers in Contested Adoptions." 25 *Florida State University Law Review* 391 (Winter 1998).
4. Gordon, Frieda. "Child Advocate: Clarifying the Role of Minor's Counsel." *Los Angeles Daily Journal* 7 (January 13, 1998).
5. "Kids to Face Victim, Not Judge." *Rocky Mountain News* 10A (March 13, 1998).
6. Martinez, Michael. "Tough Detention Could Replace Jail Plan - Aims to Ease Backlogged Juvenile Court." *Chicago Tribune* 2C (January 6, 1998).
7. Pinkham, Julian D. "Speaking to Tribal Judges on the Matter of Improving Children's Court Practice in Child Abuse and Neglect Cases in Our Country: A Proposal For a Uniform Children's Code." 31 *University of Michigan Journal of Law Reform* 159 (Fall 1997).
8. Rosman, Honorable Jay B. "Beyond Contempt -- Rethinking the Problem of Juvenile Crime." 27 *Stetson Law Review* 629 (Fall 1997).
9. Shepherd, Robert E. "How the Media Misrepresents Juvenile Policies." 12 *Criminal Justice* 37 (Winter 1998.)

Alternative Dispute Resolution

10. Dominguez-Urban, Ileana. "The Messenger as the Medium of Communication: The Use of Interpreters in Mediation." 1997 *Journal of Dispute Resolution* 1.
11. Fimea, Mike. "Solving Feuds Without Court: Mediate, Arbitrate: A Growth Business." *Arizona Business Gazette* 1 (February 26, 1998).
12. Henikiff, Jamie and Michael Moffitt. "Remodeling the Model Standards of Conduct for Mediators." 2 *Harvard Negotiation Law Review* 87 (Spring 1997).
13. Lowry, Jolene M. "Family Group Conferences as a Form of Court Approved Alternative Dispute Resolution in Child Abuse and Neglect Cases." 31 *University of Michigan Journal of Law Reform* 57 (Fall 1997).
14. Pearson, Jessica. "Mediating When Domestic Violence is a Factor: Policies and Practices in Court-Based Divorce Mediation Programs." 14 *Mediation Quarterly* 319 (1997).

Capital Cases & Capital Sentencing

15. "Capital Punishment - Delay Tactics Mock Justice System." *Dayton Daily News* 13A (March 12, 1998).
16. Dionne, E.J. Jr. "Execution May Mute Cries For Death Penalty." *Arizona Republic* B7 (February 10, 1998).
17. Fimea, Mike. "Keeping Up On Capital Cases: Staff Lawyers Track Changes For Judges." *Arizona Business Gazette* 1 (January 29, 1998.)
18. "High Court Upholds Death Sentence But Warns Prosecutors." *Commercial Appeal* B2 (March 17, 1998).
19. Hunt, Stephen. "Mexico Treaty Can't Shield Suspect From Death Penalty." *Salt Lake Tribune* B1 (March 16, 1998).
20. Mahony, Edmund. "Convict Signs Pact For Quick Death Penalty." *Hartford Courant* A3 (March 12, 1998).
21. Martin, Earl. "Towards an Evolving Debate on the Decency of Capital Punishment." 66 *George Washington Law Review* 84 (November 1997).
22. Milner, Julie Levinsohn. "Dignity or Death Row: Are Death Row Rights to Die Diminished? A Comparison of the Right to Die for the Terminally Ill and the Terminally Sentenced." 24 *New England Journal of Criminal and Civil Confinement* 279 (Winter 1998).
23. "No More Appeals From Death Row?" *Sun-Sentinel* 6B (March 13, 1998).
24. Phillips, Amy K. "Thou Shalt Not Kill Any Nice People: The Problem of Victim Impact Statements in Capital Sentencing." 35 *American Criminal Law Review* 93 (Fall 1997).
25. Strait, John. "Kidney-For-Reprieve Swaps Pondered, Missouri Legislation Studies Proposal." *Commercial Appeal* B1 (March 16, 1998).
26. Valdez, Linda. "Death Penalty is Wrong - And So Are Opponents' Tactics." *Arizona Republic* B4 (January 30, 1998).
27. Weisberg, Jodi. "Tucker Execution Breathes New Life into Death Penalty Debate." *Arizona Journal* 1 (February 16, 1998).
28. Wice, Brian W. "In Capital Cases, Clients are in Charge." *National Law Journal* A19 (March 9, 1998).

Courts & Court Administration

29. Ahearn, J. Marleen. "Clerk Fees: Legislation and Litigation." 25 *Florida State University Law Review* 315 (Winter 1998).
30. Bell, David A. "The Power to Award Sanctions: Does it Belong in the Hands of Magistrate Judges?" 61 *Albany Law Review* 433 (1997).

31. Bivens, Don. "Change in 9th Circuit Would Have Big Impact." *Arizona Business Gazette* 5 (February 19, 1998).
32. Coates, Bill. "Judging the Judges: Job of Conduct Commission." *Arizona Capitol Times* 3 (March 13, 1998).
33. Coltharp, Donna F. "Writing in the Margins: Brennan, Marshall, and the Inherent Weaknesses of Liberal Judicial Decision-Making." 29 *St. Mary's Law Journal* 1 (1997).
34. Farrell, Margaret G. "The Function and Legitimacy of Special Masters." 2 *Widener Law Symposium Journal* 235 (Fall 1997).
35. Ifill, Sherrilyn A. "Judging the Judges: Racial Diversity, Impartiality and Representation on State Trial Courts." 39 *Boston College Law Review* 95 (December 1997).
36. Johnson, Glen. "Congress, Not Court, Holds Key to Troubled Issues, Scalia Says." *Buffalo News* A3 (March 10, 1998).
37. Muller, Eric L. "The Hobgoblin of Little Minds? Our Foolish Law of Inconsistent Verdicts." 111 *Harvard Law Review* 771 (January 1998).
38. "Muskegon Judges Seek More Security at Workplace." *Detroit News* B5 (February 22, 1998).
39. Plasencia, Madeleine. "Who's Afraid of Humpty Dumpty: Deconstructionist References in Judicial Opinions." 21 *Seattle University Law Review* 215 (Fall 1997).
40. Resnik, Judith. "Changing Practices, Changing Rules: Judicial and Congressional Rulemaking on Civil Juries, Civil Justice, and Civil Judging." 49 *Alabama Law Review* 133 (1997).
41. Ryan, William F. "Rush to Judgment: A Constitutional Analysis of Time Limits on Judicial Decisions." 77 *Boston University Law Review* 761 (October 1997).
42. Sanders, Alexander M. "Everything You Always Wanted to Know About Judges But Were Afraid to Ask." 49 *South Carolina Law Review* 343 (Winter 1998).
43. Sanders, Richard B. "How Should Judges Be Chosen?" *Arizona Journal* 5 (January 19, 1998).
44. Shepard, Justice Randall T. "What Judges Can Do About Legal Professionalism." 32 *Wake Forest Law Review* 621 (1997).
45. Weisberg, Jodi. "A Divine Act: Some Believe Arizona Supreme Court Justice James Moeller Was Destined to Be a Judge." *Arizona Journal* 1 (January 19, 1998).
46. Wright, R. George. "The Fourteen Faces of Narrowness: How Courts Legitimize What They Do." 31 *Loyola of Los Angeles Law Review* 167 (November 1997).

Criminal Justice

47. "Adult Criminal Courts Need Tailoring' to Suit Children Charged With Serious Crime," (viewed February 6, 1998) <<http://www.abanet.org/media/dec97/juvenil1.html>>.

48. Alexander, Christopher M. "Indeterminate Sentencing: An Analysis of Sentencing in America." 70 *Southern California Law Review* 1717 (1997).
49. Cellini, Sue Anna Moss. "The Proposed Victims' Rights Amendment to the Constitution of the United States: Opening the Door of the Criminal Justice System to the Victim." 14 *Arizona Journal of International and Comparative Law* 839 (Fall 1997).
50. Clark, Leroy D. "All Defendants, Rich and Poor, Should Get Appointed Counsel in Criminal Cases: The Route to True Equal Justice." 81 *Marquette Law Review* 47 (Fall 1997).
51. Fried, Charles. "Reflections on Crime and Punishment." 30 *Suffolk University Law Review* 681 (Fall 1997).
52. Hess, David. "National DUI Limit of 0.08% Approved by Senate." *Arizona Republic* A13 (March 5, 1998).
53. Johnson, Brad M. "The Media's Presence During the Execution of a Search Warrant: A Per Se Violation of the Fourth Amendment." 58 *Ohio State Law Journal* 1499 (1997).
54. "Man Convicted of Placing Camera in Dressing Room." *Seattle Times* A6 (March 14, 1998).
55. Menendez, Bernard. "The Constitutional Implications of Megan's Laws: Permissible Regulations or Unconstitutional Conditions?" 24 *New England Journal on Criminal & Civil Confinement* 249 (Winter 1998).
56. Morgan, R. Alex. "Jury Nullification Should Be Made a Routine Part of the Criminal Justice System, But it Won't Be." 29 *Arizona State Law Journal* 1127 (Winter 1997).
57. Prentky, Robert A. "Recidivism Rates Among Child Molesters and Rapists: A Methodological Analysis." 21 *Law & Human Behavior* 635 (December 1997).
58. Radwan, Theresa J. Pulley. "How Imminent is Imminent?: The Imminent Danger Test Applied to Murder Manuals." 8 *Constitutional Law Journal* 47 (Fall 1997).
59. Vetstein, Richard D. "Rape and AIDS in Prison: On a Collision Course to a New Death Penalty." 30 *Suffolk University Law Review* 863 (Fall 1997).
60. Whitman, James Q. "What is Wrong With Inflicting Shame Sanctions?" 107 *Yale Law Journal* 1055 (January 1998).

Domestic Relations

61. Bryan, Penelope Eileen. "The Coercion of Women in Divorce Settlement Negotiation." 74 *Denver University Law Review* 931 (1997).
62. Brazelton, T. Berry. "Children's Needs Should Come First in Custody Actions." *Commercial Appeal* F4 (March 1, 1998).
63. Coven, Honorable Mark S. "Welfare Reform, Contempt and Child Support Enforcement." 30 *Suffolk University Law Review* 1067 (Winter 1997).

64. Ellman, Ira Mark. "Senate Bill Revives Horror of Fault Divorce." *Arizona Republic* B5 (March 6, 1998).
65. Finucane, Martin. "Court OKs Barring Custody For Batterers." *Patriot Ledger* 06 (March 12, 1998).
66. Lidman, Raven C. and Betsy R. Hollingsworth. "The Guardian Ad Litem in Child Custody Cases: The Contours of Our Judicial System Stretched Beyond Recognition." 6 *George Mason Law Review* 255 (Winter 1998).
67. Munsil, Len. "Perspective on Covenant Marriage: Proposal Weeds Out Less Committed." *Arizona Republic* B5 (March 6, 1998).
68. Pack, William. "Accurate U.S. Divorce Figures Hard to Find." *Baton Rouge Advocate* 11B (March 12, 1998).
69. Provost, Melissa A. "Disregarding the Constitution in the Name of Defending Marriage: The Unconstitutionality of the Defense of Marriage Act." 8 *Constitutional Law Journal* 157 (Fall 1997).
70. Shulman, Gary A. and David I. Kelley. "The New Standard of Care in Dividing Pensions." 12 *American Journal of Family Law* 1 (Spring 1998).
71. Valdez, Linda. "Legislating Marriage an Insult to Human Relationships." *Arizona Republic* B4 (February 20, 1998).

Ethics & Professional Responsibility

72. Allan, Rick B. "Alcoholism, Drug Abuse and Lawyers: Are We Ready to Address the Denial?" 31 *Creighton Law Review* 265 (December 1997).
73. Allen, Kathleen N. "Turning Lawyers Into Witnesses: Does Forced Client Disclosure Breach the Attorney-Client Privilege?" 30 *Suffolk University Law Review* 795 (Fall 1997).
74. Eckhause, Melissa M. "A Chastity Belt For Lawyers: Proposed MRPC 1.8(k) and the Regulation of Attorney-Client Sexual Relationships." 75 *University of Detroit Mercy Law Review* 115 (Fall 1997).
75. Feely, Jef. "9th Chides Careless Attorneys." *National Law Journal* A12 (March 9, 1998).
76. Freivogel, William. "Selected Ethics Issues in Litigation Practice." 72 *Tulane Law Review* 637 (December 1997).
77. Goodman, Judith F. and Sue C. Jacobs. "Attorney Malpractice: What it is and How to Avoid It." 27 *The Brief* 30 (Winter 1997).
78. MacLean, Pamela A. "9th Circuit May Hit Sloppy Lawyers With Sanctions." *Arizona Journal* 4 (March 2, 1998).

79. Martin, Robert W. Jr. "Practicing Law in the 21st Century: Fundamentals For Avoiding Malpractice Liability." 33 *Land & Water Review* 191 (1998).

Evidence

80. Amar, Akhil Reed. "Diary Entry: When May a Man's Private Writings Be Allowed as Evidence to Put Him to Death?" *Los Angeles Daily Journal* 6 (January 13, 1998).
81. Bell, David A., Margaret M. Koesel and Tracey L. Turnbull. "Let's Level the Playing Field: A New Proposal For Analysis of Spoliation of Evidence Claims in Pending Litigation." 29 *Arizona State Law Journal* 769 (Fall 1997).
82. "Breyer Endorses Judges' Reliance on Experts to Sort Technical Data But Justice Says Practice Should Not Be Used Widely." *Baltimore Sun* 3A (February 17, 1998).
83. Brimacombe, C. A. Elizabeth. "Is Age Irrelevant?: Perceptions of Young and Old Adult Eyewitnesses." 21 *Law & Human Behavior* 619 (December 1997).
84. Cooper, Claire. "DNA Evidence Goes Before the State Supreme Court." *Fresno Bee* B5 (February 11, 1998).
85. "DNA From Dog's Blood to Help Build Murder Case - Judge Rules the Evidence, a Possible U.S. First, is Admissible in Trial." *Milwaukee Journal Sentinel* 20 (March 13, 1998).
86. "Element of Doubt Seeps Into 'Foolproof' DNA Test." *Guardian* 004 (February 18, 1998).
87. Everhart, Stephen Michael. "Putting a Burden of Production on the Defendant Before Admitting Evidence That Someone Else Committed the Crime Charged: Is It Constitutional?" 76 *Nebraska Law Review* 272 (1997).
88. Hayward, Ed. "Blood Samples First Step in Creating Inmate DNA Database." *Boston Herald* 015 (January 26, 1998).
89. Imwinkelried, Edward J. and James R. McCall. "Issues Once Moot: The Other Evidentiary Objections to the Admission of Exculpatory Polygraph Examinations." 32 *Wake Forest Law Review* 1045 (Winter 1997).
90. Leibowitz, Wendy R. "E-Evidence Demands New Expert." *National Law Journal* 1 (March 9, 1998).
91. "Man Convicted of 2nd Rape After DNA Identified Him - He is the 13th Rape Suspect in Minnesota Identified by Comparing Evidence to DNA Records Kept in a Data Bank." *Star-Tribune of the Twin Cities* 01B (February 11, 1998).
92. Mnookin, Jennifer L. "The Image of Truth: Photographic Evidence and the Power of Analogy." 10 *Yale Journal of Law & the Humanities* 1 (Winter 1998).
93. Silberfeld, Roman M. "Scientific Law of Unintended Consequences." *National Law Journal* A22 (January 19, 1998).

94. Van Koppen, Peter J. and Shara K. Lochun. "Portraying Perpetrators: The Validity of Offender Descriptions By Witnesses." 21 *Law & Human Behavior* 661 (December 1997).

Guardianship & Probate

95. "Guardianship Gone Bad? State Re-examines Outdated System." *Florida Times-Union* B-1 (February 1, 1998).
96. "Rowland Signs Bill Allowing Probate Court Mergers." *Hartford Courant* B4 (March 10, 1998).
97. "Volunteers Sought to Aid Probate Court." *Hartford Courant* B7 (February 26, 1998).

Juries & Jury Reform

98. Chen, Viven Lou. "Arizona's Broad Jury Reforms Pass Test With Strong Positive Verdict." *Arizona Journal* 1 (March 2, 1998).
99. Crispo, Judge Lawrence W., Jill M. Slansy and Genene M. Yriarte. "Jury Nullification: Law Versus Anarchy." 31 *Loyola of Los Angeles Law Review* 1 (November 1997).
100. Fried, Audrey M. "Fulfilling the Promise of Batson: Protecting Jurors From the Use of Race-Based Peremptory Challenges By Defense Counsel." 64 *University of Chicago Law Review* 1311 (Fall 1997).
101. Lieberman, Joel. "Juror Confusion Can Endanger the Rights of Defendants." *Arizona Daily Star* 13A (February 26, 1998).
102. Lucas, Greg. "State's Top Judge Wants to Improve the Lot of Jurors/He Gives Annual Address." *San Francisco Chronicle* A17 (February 24, 1998).
103. Magliocca, Gerald N. "The Philosopher's Stone: Dualist Democracy and the Jury." 69 *University of Colorado Law Review* 175 (Winter 1998).
104. Nailon, Paula. "Pima County at Forefront of Jury Research." 17 *The Writ* 1 (February 1998).
105. Rowe, Brenda Inman. "A Possible Solution For the Problem of Juries Slighting Nonscientific Evidence: A Bayesian-Like Judicial Instruction." 24 *American Journal of Criminal Law* 541 (1997).

Technology And The Law

106. Baum, Kevin J. "E-Mail in the Workplace and the Right of Privacy." 42 *Villanova Law Review* 1011 (1997).
107. Brown, Ken. "Computer Doomsday: Legal Battles Already Brewing Over Anticipated Year 2000 Crisis." *Business Journal* 21 (March 13, 1998).

108. Cox, Gail Diane. "First Conviction For Hate E-Mail." *National Law Journal* A8 (February 23, 1998).
109. Geist, Michael A. "Where Can You Go Today?: The Computerization of Legal Education From Workbooks to the Web." 11 *Harvard Journal of Law & Technology* 141 (Fall 1997).
110. Harmon, Amy. "The Law Where There is no Land: A Legal System Built on Precedents Has Few of Them in the Digital World." *New York Times* C1 (March 16, 1998).
111. "Is Technology Changing Civil Justice?" 34 *Trial* 40 (March 1998).
112. Meyer, Christopher W. "World Wide Web Advertising: Personal Jurisdiction Around the Whole Wide World?" 54 *Washington & Lee Law Review* 1269 (October 1997).
113. Muth, R. Timothy and Colleen D. Ball, "Wisconsin's Voyage to Computerized Courts," (viewed March 5, 1998) <<http://www.wisbar.org:80/wislawmag/feb98/computers.html>>.
114. Newcombe, Tod. "Big Project Woes Halt Child Support System." 11 *Government Technology* 28 (February 1998).
115. Newcombe, Tod. "Scanners Speed Collections For Child Support." 11 *Government Technology* 28 (February 1998).
116. Pasternak, David J. "The Paradox of Technological Innovation." 24 *Law Practice Management* 62 (March 1998).
117. Roccia, Vincent J. "What's Fair is (Not Always) Fair on the Internet." 29 *Rutgers Law Journal* 155 (Fall 1997).
118. "Seven Tips For Making Your Computer More Useful." 44 *Practical Lawyer* 21 (March 1998).
119. Stephens, William L., Jr. "Convenience vs. Confidentiality: An Evaluation of the Effects of Computer Technology on the Attorney-Client Privilege." 35 *Duquesne Law Review* 1011 (Summer 1997).
120. Von Mott Stoddard, Sonia. "E-Mail Etiquette." 15 *Legal Assistant Today* 22 (March/April 1998).
121. Wagner, Michael J. "While the Courts in 1997 Grappled With Novel Internet Issues, New Questions Concerning Business and Attorney-Client Confidences Are Likely to Arise in 1998." *National Law Journal* B7 (January 19, 1998).
122. Wilds, Mike. "A Practitioner's Guide to Free Legal Information on the Internet." 33 *Tulsa Law Journal* 463 (Fall 1997).
123. Ziegler, Richard F. and Seth A. Stuhl. "Spoliation Issues Arise in Digital Era: Litigants Must Decide When the Duty to Preserve Routinely Disposed-Of Electronic Files, Such as Voice Mail or E-Mail Arises." *National Law Journal* B9 (February 16, 1998).

Trial Practice

124. Bronitt, Simon and Bernadette McSherry. "The Use and Abuse of Counseling Records in Sexual Assault Trials: Reconstructing the Rape Shield?" 8 *Criminal Law Forum* 259 (1997).
125. Frey, Martin A. "Representing Clients Effectively in an ADR Environment." 33 *Tulsa Law Journal* 443 (Fall 1997).
126. Hunt, Stacey and Michael R. Jencks. "Depositions: A 10-Scene Script For Helping Your Firm Produce Winning Video Depositions and Successfully Navigate This Brave New Type of Discovery." 15 *Legal Assistant Today* 54 (March/April 1998).
127. Kerrigan, Dennis F. Jr. "Alternative Methods of Discovery." 2 *Young Lawyers* 1 (February 1998).
128. Seltzer, Phillip E. "Attorney's Right to a Bench Trial in Legal Malpractice Cases." 27 *The Brief* 36 (Winter 1997).

General Interest

129. Ackerman, Douglas W. "Kennewick Man: The Meaning of 'Cultural Affiliation' and 'Major Scientific Benefit' in the Native American Graves Protection and Repatriation Act." 33 *Tulsa Law Journal* 359 (Fall 1997).
130. Beaver, Stephen J. "Beyond the Exclusivity Rule: Employer's Liability For Workplace Violence." 81 *Marquette Law Review* 103 (Fall 1997).
131. Buchanan, G. Sidney. "A Conceptual History of the State Action Doctrine: The Search For Governmental Responsibility." 34 *Houston Law Review* 665 (Fall 1997).
132. Carleton, Jennifer Nutt. "The Indian Child Welfare Act: A Study in the Codification of the Ethnic Best Interests of the Child." 81 *Marquette Law Review* 21 (Fall 1997).
133. Cox, Gail Diane. "Calif. Court: OK to Fire In Good Faith." *National Law Journal* B1 (January 19, 1998)
134. Druten, Kelly. "The Family and Medical Leave Act: What is a Serious Health Condition?" 46 *University of Kansas Law Review* 183 (November 1997).
135. Johnson, Ralph W. "Indian Tribes and the Legal System." 72 *Washington Law Review* 1021 (October 1997).
136. Valente, Michael W. "One Nation Divisible By Language: An Analysis of Official English Laws in the Wake of ... (*Yniguez v. Arizonans for Official English*, 69 F.3d 920, 9th Cir. 1995, vacated, 117 S. Ct. 1055, 1997.) 8 *Constitutional Law Journal* 205 (Fall 1997).